

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

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AUG 08 2018

Clerk of Court  
U.S. District Court, ND-OH

DARRYL SMITH

PLAINTIFF

v.

CLIFFORD PINKNEY ET.AL.,

DEFENDANT

) CASE #18 CV-00163

)

) U.S. JUDGE; GWIN

) U.S. MAGISTRATE; RUIZ

) OBJECTION TO COURT PERMITTING

) DENIAL OF SERVING MOTIONS TO  
PLAINTIFF - AND -

) OBJECTION TO PREVENTING PLAINTIFF

) RESPONDING TO DEFENSE FILINGS; -

) MOTION TO STRIKE DEFENSE MOTIONS

PLAINTIFF DARRYL SMITH (IN PROPRIA PERSONA;) IS AN INDIGENT  
PRE TRIAL DETAINEE WITHOUT COUNSEL held IN THE CUYAHOGA COUNTY JAIL  
BY DEFENDANTS. THE RECORD OF THIS CASE AND evidence AND PHOTOS OF  
INJURIES SHOWS IRREFUTABLY THAT DEFENDANTS SEVERELY FELONIOUSLY  
BEAT AND ASSAULTED SMITH REPEATEDLY IN/DURING AUGUST 2017 AND THEY  
OPENLY ADMIT OCCURRED AND do NOT DENY DOING SO.

FROM DAY ONE OF THIS CASE DEFENSE COUNSEL HAS BEEN PERMITTED  
BY THIS COURT TO OPENLY FREELY FILE MOTIONS AND PLEADINGS ~~EX PARTE~~  
AND NEVER SERVE THE PLAINTIFF ANY COPY AS REQUIRED BY LAWS AND RULES  
OF COURTS. PLAINTIFF HAS REPEATEDLY FILED NUMEROUS OBJECTIONS,  
NOTICES, AND MOTIONS TO STRIKE THAT ARE ALWAYS IGNORED. THE RECORD  
SHOWS THAT THE ASSIGNED U.S. JUDGE RUBBERSTAMP GRANTS ALL DEFENSE  
FILINGS UNOPPOSED AND DOES NOT PERMIT SMITH TO RESPOND OR OPPOSE  
ANYTHING NOR IS SMITH EVER ALLOWED TO SEE ANY SUCH FILINGS.  
SMITH ONLY AND USUALLY LEARNS OF SUCH DEFENSE COUNSEL

FILINGS / EX PARTE defense motions when THIS COURT SENDS CONSTANT ADVERSE RULINGS THAT ALWAYS RULE FOR defense counsel which ARE ALSO INTENTIONALLY delayed AND WITHHELD FROM SMITH FOR weeks AS A TACTIC TO PREVENT HIS CONTESTING.

PLAINTIFF HAS REPEATEDLY NOTIFIED THIS COURT (AND defense counsel) OF NON SERVICE OF PLEADINGS AND FAILURE TO SERVE TO HIM COPIES OF MOTIONS by defense. REPEATED MOTIONS TO STRIKE HAVE BEEN FILED (which THIS COURT HAS INTENTIONALLY IGNORED IT APPEARS). THERE ARE NO RECEIPTS OR RECORD by THE JAIL MAIL ROOM OF ANYTHING BEING DELIVERED TO SMITH. (NOTE; DEFENDANTS MAINTAIN JAIL RECORDS AND RECEIPTS detainees SIGN FOR RECEIVING ANY/ALL TYPES OF LEGAL MAIL FROM ALL COURTS, ATTORNEYS AND PROSECUTORS. NO SUCH RECORDS EXIST SHOWING SUCH defense MOTIONS ET AL. WERE EVER DELIVERED TO SMITH, AS SHOWN FOR ALL OTHER JAIL INMATES.) DEFENDANTS AND defense COUNSEL HAVE ALWAYS HAD TOTAL UNBRIDLED CONTROL OVER ALL OF SMITH'S INCOMING MAIL AND WITH HOLDING AND DENIAL CENSORSHIP OF SUCH.

DURING A MAY 11, 2018 CASE MANAGEMENT CONFERENCE (C.M.C.), SMITH TOLD THIS COURT'S U.S. JUDGE (BY PHONE CONFERENCE) THAT THE DEFENSE COUNSEL WAS INTENTIONALLY FILING UNLAWFUL EX PARTE MOTIONS AND PLEADINGS WITHOUT SERVICING COPIES TO PLAINTIFF. THIS COURT OUTRAGEDLY AND UNBELIEVABLY APPROVED THIS ONGOING EX PARTE CENSORSHIP STATING "THAT'S TOO BAD - THAT'S UP TO THE SHERIFF AND JAIL OFFICIALS DISCRETIONS; I WON'T DO ANYTHING ABOUT THAT"

UNDER THESE APPROVED HIGHLY ILLEGAL CONDITIONS PLAINTIFF SMITH'S RIGHTS TO LITIGATE, BE HEARD, AND "FAIR" TRUE ACCESS TO COURTS IS NEAR TOTALLY SILENCED AND CUT OFF. THIS IS TOTALLY ILLEGAL AND PROHIBITED BY THE FIRST AMENDMENT U.S. CONSTITUTION, CONTROLLING U.S. SUPREME COURT CASE LAWS CURRENT AND DATING BACK OVER 60 YEARS SINCE. SMITH WILL NOT LAY DOWN SILENTLY ALLOWING HIS VALID CASE TO BE SILENCED.

ACCORDINGLY FOR PURPOSES OF LIKELY FORTHCOMING APPEALS TO THE U.S. SIXTH CIRCUIT APPELLATE COURT TO INTERVENE TO STOP THIS PRACTICE, PLAINTIFF SUBMITS THE FOLLOWING OBJECTIONS OF AS FOLLOWS :-

1) OBJECTION ; - TO DEFENSE COUNSEL'S DOZENS OF MOTIONS AND PLEADINGS FILED IN THIS CASE SINCE MARCH 2018 WITHOUT SERVING COPIES TO PLAINTIFF TO RESPOND AND CONTEST.

2) OBJECTION ; - TO THIS COURT PERMITTING, ALLOWING, APPROVING THE DEFENSE TO NOT PROVIDE NOR SERVE COPIES OF MOTIONS AND PLEADINGS TO THE PLAINTIFF (ONGOING SINCE MARCH 2018)

3) OBJECTION ; - TO THE COURT ISSUING BIASED EX PARTE ONE SIDED RULINGS ON DEFENSE COUNSEL'S AFORESAID EX PARTE FILINGS WITHOUT AFFORDING PLAINTIFF ANY OPPORTUNITY TO RESPOND OR CONTEST

4) OBJECTION ; - TO THE COURT ALLOWING AND APPROVING DEFENDANTS COUNTY JAIL EMPLOYEES TO DENY, DELAY, CENSOR, AND WITHHELD LEGAL MAIL TO PLAINTIFF THROUGHOUT THIS CASE (INCLUDING COURT RULINGS NEVER SEEN)

5) OBJECTION ; - TO THIS COURT INTENTIONAL IGNORING, NOT ADDRESSING ANY OF PLAINTIFF'S MOTIONS AND PLEADINGS NOR HIS MOTIONS TO STRIKE AND FAILURE TO MAKE SERVICE BY DEFENSE COUNSEL.

6) OBJECTION ; - TO THIS COURT DENYING ALL DISCOVERY TO PLAINTIFF AND IGNORING HIS VALID PLEADINGS

7) OBJECTION ; - TO THE INTENTIONAL ACTS AND BIASED PRACTICES OF THIS COURT TO SILENCE SMITH'S VALID CASE AND CLAIMS AND RIGHTS TO BE HEARD AND ACCESS TO COURTS RIGHTS (INCLUDING DURING C.M.C. CONFERENCE).

LAST, PLAINTIFF MOVES TO STRIKE ALL OF DEFENSE COUNSEL'S MOTIONS (FILED SINCE MARCH 2018) FOR FAILURE TO SERVE PLAINTIFF. THIS HAS BEEN REPEATEDLY FILED AND IGNORED.

SUBMITTED BY ;  
S/ Darryl Smith  
DARRYL SMITH  
AUGUST 3, 2018

SERVICE

A COPY OF THIS MOTION WAS FORWARDED TO BRIAN GUTKOSKI ; ASST TO THE CUYAHOGA COUNTY PROSECUTOR